

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: FEB 28 2020

Lodging Solutions, LLC d/b/a Accommodations
Plus International,

Plaintiff,

—v—

Robert Miller, Fleetcor Technologies, Inc.,
Travelliance, Inc., and Corporate Lodging
Consultants, Inc.,

Defendants.

19-cv-10806 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On February 28, 2020, Defendants filed a motion to dismiss. Pursuant to Rule 3.F of this Court's Individual Practices in Civil Cases, on or before March 9, 2020, Plaintiff must notify the Court and its adversary in writing whether (1) it intends to file an amended pleading and when it will do so or (2) it will rely on the pleading being attacked. Plaintiff is on notice that declining to amend its pleadings to timely respond to a fully briefed argument in Defendants' February 28th motion to dismiss may well constitute a waiver of the Plaintiff's right to use the amendment process to cure any defects that have been made apparent by the Defendants' briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility").

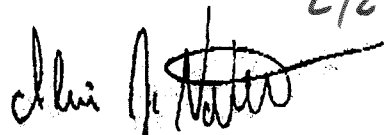
If Plaintiff chooses to amend, Defendants may then (a) file an answer; or (b) file a new motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

The initial pretrial conference scheduled for April 21, 2020 is hereby adjourned pending resolution of this motion.

SO ORDERED.

Dated: February 28, 2020
New York, New York

 2/28/20

ALISON J. NATHAN
United States District Judge